IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

W.P(C).No. 28265 of 2007(M)

PETITIONER:

P. THANKAMMA, W/O. DAMODARAN NAIR,
KARINGOTTU HOUSE, KARUKACHAL P.O.,CHANGANACHERRY.

BY ADV. SRI.M.P.MADHAVANKUTTY

RESPONDENTS:
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1. **MOHANA DAS, S/O. RAJAPPA KURUP,**
   KARUVAKKAL HOUSE, KARUKACHAL, CHANGANACHERRY.

2. **VILLAGE OFFICER,**
   KARUKACHAL, KOTTAYAM.

3. **TAHSILDAR, CHANGANACHERRY.**

4. **REVENUE DIVISIONAL OFFICER, KOTTAYAM.**

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 28265 OF 2007
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Dated this the 27th day of November, 2007

J U D G M E N T

The prayer made in this writ petition is to direct the respondents to effect mutation of the property having an extent of 3.75 Ares in Re-Survey No.148/15 in Karukachal Village. Petitioner has produced various documents to contend that the petitioner has title over the property mentioned above and it is on this basis petitioner has made Ext.P7 application praying for effecting mutation. Inaction on Ext.P7 has led the petitioner to file this writ petition.

2. It is seen from the records produced by the 1st respondent along with RP No.1158/07, that concerning the very same property, seeking various prayers including one for fixation of boundary, a suit filed by the petitioner as OS 38/2007 before the Munsiff's Court, Changanacherry is still pending. It is also stated that an order of injunction granted in favour of the petitioner was later on vacated by that court by Annexure F

order, against which CMA was filed before the District Court, Kottayam, which is also pending. These facts now pleaded by the 1st respondent discloses that civil disputes between the parties are pending and it is at that stage Ext.P7 application has been filed. In my view, this court will not be justified, at this stage in issuing any direction as sought for as it might affect the rights of the parties which is already pending adjudication of the Civil Court..

Writ petition lacks merit and is dismissed.

ANTONY DOMINIC, JUDGE.

Rp

ANTONY DOMINIC, J.
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W.P.(C) NO. 28265 OF 2007
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Dated this the 25th day of September, 2007

J U D G M E N T

The petitioner, who has obtained a plot of land by virtue of a gift deed, has applied by Ext.P7, for effecting mutation with regard to the 3.75 ares in Survey No.148/15 of Karukachal Village. It is complained that no action is taken on Ext.P7. If Ext.P7 has been received and is pending with the 2nd respondent, I see no reason to justify the delay.

2. Accordingly, this writ petition is disposed of directing the 2nd respondent that Ext.P7 shall be dealt with and orders passed thereon, as expeditiously as possible, at any rate, within a period of 3 weeks of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment before the 2nd respondent for compliance.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp